UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,953	04/30/2001	Terry Wayne Liles	16356.605 (DC-02889)	3329

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EXAMINER
YIGDALL, MICHAEL J

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/845,953	LILES ET AL.
	Examiner	Art Unit	
	Michael J. Yigdall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 April 2001 and 10 May 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/30/01</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-28 are pending and have been examined. The priority date considered for the

application is April 30, 2001.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No.

6,681,323 to Fontanesi et al. (hereinafter "Fontanesi") in view of U.S. Pat. No. 6,351,850 to van

Gilluwe et al. (hereinafter "van Gilluwe").

With respect to claim 1, Fontanesi discloses a method performed by a computer system

(see the title and abstract).

Although Fontanesi discloses identifying the hardware configuration of a computer

system (see column 6, lines 18-27) and instructions for partitioning and formatting its storage

device (see column 4, lines 61-66), Fontanesi does not expressly disclose:

(a) identifying a sector offset on a storage device.

However, van Gilluwe discloses identifying the number of sectors and the number and

location of each partition on a storage device (see column 6, lines 17-34), in preparation for

installing an operating system (see the title and abstract). Furthermore, van Gilluwe discloses

numbering the sectors based on a reference point (see column 2, lines 12-15), and thus the sector

numbers are offsets. Van Gilluwe further discloses that the sector numbers identify unique

locations on the storage device (see column 2, lines 15-25).

Note that Fontanesi also discloses storing and installing an image file on the storage

device (see column 7, lines 5-25), partitioning the storage device (see column 6, lines 42-58),

and formatting the storage device (see column 6, line 59 to column 7, line 4). Inherently, a

particular location on the storage device must be identified for each of the above and other

operations to be performed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to identify a sector offset on a storage device, to effectively identify a

particular location on the storage device as taught by van Gilluwe, for the purpose of enabling

the Fontanesi system to install an image comprising an operating system.

Fontanesi, in view of van Gilluwe, further discloses:

(b) storing an image onto the storage device at the sector offset, the image including an

operating system (see column 7, lines 5-25, which shows transferring and storing an image file

on the storage device, and column 4, lines 1-23, which further shows that the image includes an

operating system);

(c) providing the sector offset to an installation engine (see column 5, lines 25-38, which

shows a boot storage medium for installing the operating system, i.e. an installation engine; note

that as above, the particular location on the storage device is inherently provided to the

installation engine in order for it to operate); and

(d) subsequent to storing the image on the storage device, initiating the installation engine

to cause the operating system to be installed on the storage device using the image (see column

7, lines 5-25, which shows installing and configuring the operating system from the image file

subsequent to transferring and storing the image on the storage device).

With respect to claim 2, Fontanesi further discloses subsequent to initiating the

installation engine, partitioning the storage device (see column 5, lines 39-50, which shows

initiating the installation engine, and column 6, lines 42-58, which shows subsequently

partitioning the storage device).

With respect to claim 3, Fontanesi further discloses subsequent to initiating the

installation engine, performing a formatting operation on the storage device (see column 5, lines

39-50, which shows initiating the installation engine, and column 6, line 59 to column 7, line 4,

which shows subsequently formatting the storage device).

With respect to claim 4, Fontanesi in view of van Gilluwe further discloses identifying

the sector offset in response to a size of the storage device (see Fontanesi, column 6, lines 51-55,

which shows determining the size of the storage device prior to partitioning).

With respect to claim 5, Fontanesi in view of van Gilluwe further discloses identifying

the sector offset in response to a size of the image (see van Gilluwe, column 6, lines 35-49,

which shows determining whether the operating system can be installed based on the size of the

operating system).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to identify the sector location or offset on the storage device based on the size of the image, as taught by van Gilluwe, for the purpose of ensuring that sufficient space is available for storing and installing the image in the Fontanesi system.

With respect to claim 6, Fontanesi in view of van Gilluwe further discloses providing the sector offset to the installation engine by storing the sector offset in a predetermined location on the storage device (see van Gilluwe, column 6, lines 17-34, which shows that the characteristics of the storage device are stored on the storage device, i.e. at a predetermined location).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the sector location or offset by storing it at a predetermined location on the storage device, as taught by van Gilluwe, for the purpose of maintaining the value in the event of a reboot (see Fontanesi, column 5, lines 53-61, which shows storing a value at a predetermined sector location) or a power failure (see van Gilluwe, column 8, lines 21-32).

With respect to claim 7, although Fontanesi in view of van Gilluwe does not expressly disclose providing the sector offset to the installation engine by passing the sector offset as part of a function call to initiate the installation engine, passing a parameter as part of a function call is notoriously well known in the art. Moreover, Fontanesi discloses program logic, i.e. procedures and functions, for automatically installing an operating system on a storage device (see column 5, lines 39-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the sector location or offset in the Fontanesi system by passing it as part of a function call, as is known in the art.

With respect to claim 8, Fontanesi further discloses storing the image onto the storage device by copying the image from a CD-ROM (see column 7, line 66 to column 8, line 11, which shows transferring the image file from a CD-ROM).

With respect to claim 9, Fontanesi further discloses storing the image onto the storage device by copying the image over a network (see column 7, line 66 to column 8, line 11, which shows transferring the image file from a server over a LAN).

With respect to claims 10-18, the recited computer program product is analogous to the method recited in claims 1-9, respectively. Accordingly, see the explanations for claims 1-9 set forth above. Note that Fontanesi further discloses a computer program product comprising a computer program processable by a computer system and an apparatus from which the computer program is accessible by the computer system (see column 5, lines 25-50 and column 8, lines 12-15, which show a computer storage medium having instructions or logic, i.e. a computer program, processable by a target computer system).

With respect to claims 19-27, the recited system is analogous to the method recited in claims 1-9, respectively. Accordingly, see the explanations for claims 1-9 set forth above. Note that Fontanesi further discloses a system comprising a computer system (see FIG. 1).

With respect to claim 28, Fontanesi discloses a method performed by a computer system (see the title and abstract).

Although Fontanesi discloses identifying the hardware configuration of a computer system (see column 6, lines 18-27) and instructions for partitioning and formatting its storage device (see column 4, lines 61-66), Fontanesi does not expressly disclose:

(a) identifying a sector offset on a storage device.

However, van Gilluwe discloses identifying the number of sectors and the number and location of each partition on a storage device (see column 6, lines 17-34), in preparation for installing an operating system (see the title and abstract). Furthermore, van Gilluwe discloses numbering the sectors based on a reference point (see column 2, lines 12-15), and thus the sector numbers are offsets. Van Gilluwe further discloses that the sector numbers identify unique locations on the storage device (see column 2, lines 15-25).

Note that Fontanesi also discloses storing and installing an image file on the storage device (see column 7, lines 5-25), partitioning the storage device (see column 6, lines 42-58), and formatting the storage device (see column 6, line 59 to column 7, line 4). Inherently, a particular location on the storage device must be identified for each of the above and other operations to be performed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to identify a sector offset on a storage device, to effectively identify a particular location on the storage device as taught by van Gilluwe, for the purpose of enabling the Fontanesi system to install an image comprising an operating system.

Fontanesi, in view of van Gilluwe, further discloses:

(b) storing an image onto the storage device at the sector offset, the image including an operating system (see column 7, lines 5-25, which shows transferring and storing an image file on the storage device, and column 4, lines 1-23, which further shows that the image includes an operating system);

(c) providing the sector offset to an installation engine (see column 5, lines 25-38, which shows a boot storage medium for installing the operating system, i.e. an installation engine; note that as above, the particular location on the storage device is inherently provided to the installation engine in order for it to operate);

(d) subsequent to storing the image on the storage device, initiating the installation engine to cause the operating system to be installed on the storage device using the image (see column 7, lines 5-25, which shows installing and configuring the operating system from the image file subsequent to transferring and storing the image on the storage device);

(e) subsequent to initiating the installation engine, performing a formatting operation on the storage device (see column 5, lines 39-50, which shows initiating the installation engine, and column 6, line 59 to column 7, line 4, which shows subsequently formatting the storage device);

(f) identifying the sector offset in response to a size of the storage device (see column 6, lines 51-55, which shows determining the size of the storage device prior to partitioning);

(g) providing the sector offset to the installation engine by storing the sector offset in a predetermined location on the storage device (see van Gilluwe, column 6, lines 17-34, which shows that the characteristics of the storage device are stored on the storage device, i.e. at a predetermined location).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the sector location or offset by storing it at a predetermined location on the storage device, as taught by van Gilluwe, for the purpose of maintaining the value in the event of a reboot (see Fontanesi, column 5, lines 53-61, which shows storing a value at a predetermined sector location) or a power failure (see van Gilluwe, column 8, lines 21-32).

Fontanesi further discloses:

(h) storing the image onto the storage device by copying the image over a network (see column 7, line 66 to column 8, line 11, which shows transferring the image file from a server over a LAN).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 6,557,169 to Erpeldinger discloses a method for installing an operating system included in an image obtained from a server comprising the steps of partitioning and formatting a storage device.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (703) 305-0352. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
Examiner
Art Unit 2122

mjy

**WEI Y. ZHEN
PRIMARY PATENT EXAMINER**